

(PCT Article 36 and Rule 70)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013014

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-4 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-3 \_\_\_\_\_ received by this Authority on 02.08.2005 with letter of 01.03.2005
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/1 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>2, 3</u>	YES
	Claims	<u>1</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-3</u>	NO
Industrial applicability (IA)	Claims	<u>1-3</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following document:			
D1: DE-U-298 01 715.			
<p>The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).</p>			
<p>It is pointed out that claim 1, as presently drafted, relates to a punch <i>per se</i> that is <u>suitable</u> for punching holes in the walls of hollow components to the inside of which high pressure is applied and which are accommodated in the shaping part of an internal high pressure forming tool.</p>			
<p>Thus, claim 1 does not relate to said punch in combination with an internal high pressure forming tool for an internal high pressure forming process.</p>			
<p>In consequence, claim 1 defines only a punch <i>per se</i> designed such that the region protruding into the component in which holes are to be formed is obliquely tapered in the direction of the cutting edge. A similar</p> <p style="text-align: right;">/...</p>			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

punch is known from DE-U-298 01 715 (D1) (see figure 1 and punching head (10)). The punch (10) according to D1 is, in particular suitable for punching (and thus for forming holes) and not only for forming nipples or stamping (see page 3, second paragraph) and, as such, is likewise suitable for use in an internal high pressure forming tool.

The disclosure that a sealing surface is formed relates to the use of the punch for making holes in the walls of components to which internal high pressure is applied, the tapered design resulting in the creation of a sealing surface when the punch is inserted into the wall of the respective component. This disclosure does not constitute an additional technical feature of the punch. Moreover, a sealing surface would also be created between the punch and the wall if the punch known from D1, the end of which is tapered, were to be used in the same way.

Dependent claims 2 and 3 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for inventive step.

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**Box No. VII**      **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.

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**Box No. VIII**      **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The features of claim 2 relate to the punch and shaping part in combination, whereas claim 2 relates to the punch *per se* (PCT Article 6).